

ASSEMBLY BILL

No. 2452

Introduced by Assembly Member Rod Pacheco

February 21, 2002

An act to amend Section 66412 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as introduced, Rod Pacheco. Subdivision Map Act: agricultural leases.

Existing law makes the Subdivision Map Act inapplicable to the leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a windpowered electrical generation device on the land, if the project is subject to discretionary action by the advisory agency or legislative body of the local agency.

This bill would expressly provide that this exemption applies to parcels of land.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66412 of the Government Code is
2 amended to read:
3 66412. This division shall be inapplicable to *all of the*
4 *following*:

- 1 (a) The financing or leasing of apartments, offices, stores, or
2 similar space within apartment buildings, industrial buildings,
3 commercial buildings, mobilehome parks, or trailer parks.
- 4 (b) Mineral, oil, or gas leases.
- 5 (c) Land dedicated for cemetery purposes under the Health and
6 Safety Code.
- 7 (d) A lot line adjustment between four or fewer existing
8 adjoining parcels, where the land taken from one parcel is added
9 to an adjoining parcel, and where a greater number of parcels than
10 originally existed is not thereby created, if the lot line adjustment
11 is approved by the local agency, or advisory agency. A local
12 agency or advisory agency shall limit its review and approval to
13 a determination of whether or not the parcels resulting from the lot
14 line adjustment will conform to the local general plan, any
15 applicable coastal plan, and zoning and building ordinances. An
16 advisory agency or local agency shall not impose conditions or
17 exactions on its approval of a lot line adjustment except to conform
18 to the local general plan, any applicable coastal plan, and zoning
19 and building ordinances, to require the prepayment of real
20 property taxes prior to the approval of the lot line adjustment, or
21 to facilitate the relocation of existing utilities, infrastructure, or
22 easements. No tentative map, parcel map, or final map shall be
23 required as a condition to the approval of a lot line adjustment. The
24 lot line adjustment shall be reflected in a deed, which shall be
25 recorded. No record of survey shall be required for a lot line
26 adjustment unless required by Section 8762 of the Business and
27 Professions Code.
- 28 (e) Boundary line or exchange agreements to which the State
29 Lands Commission or a local agency holding a trust grant of tide
30 and submerged lands is a party.
- 31 (f) Any separate assessment under Section 2188.7 of the
32 Revenue and Taxation Code.
- 33 (g) Unless a parcel or final map was approved by the legislative
34 body of a local agency, the conversion of a community apartment
35 project, as defined in Section 1351 of the Civil Code, to a
36 condominium, as defined in Section 783 of the Civil Code, but
37 only if all of the following requirements are met:
 - 38 (1) At least 75 percent of the units in the project were occupied
39 by record owners of the project on March 31, 1982.



1 (2) A final or parcel map of the project was properly recorded,
2 if the property was subdivided, as defined in Section 66424, after
3 January 1, 1964, with all of the conditions of that map remaining
4 in effect after the conversion.

5 (3) The local agency certifies that the above requirements were
6 satisfied if the local agency, by ordinance, provides for that
7 certification.

8 (4) Subject to compliance with subdivision (e) of Section 1351
9 of the Civil Code, all conveyances and other documents necessary
10 to effectuate the conversion shall be executed by the required
11 number of owners in the project as specified in the bylaws or other
12 organizational documents. If the bylaws or other organizational
13 documents do not expressly specify the number of owners
14 necessary to execute the conveyances and other documents, a
15 majority of owners in the project shall be required to execute the
16 conveyances or other documents. Conveyances and other
17 documents executed under the foregoing provisions shall be
18 binding upon and affect the interests of all parties in the project.

19 (h) Unless a parcel or final map was approved by the legislative
20 body of a local agency, the conversion of a stock cooperative, as
21 defined in Section 1351 of the Civil Code, to a condominium, as
22 defined in Section 783 of the Civil Code, but only if all of the
23 following requirements are met:

24 (1) At least 51 percent of the units in the cooperative were
25 occupied by stockholders of the cooperative on January 1, 1981,
26 or individually owned by stockholders of the cooperative on
27 January 1, 1981. As used in this paragraph, a cooperative unit is
28 “individually owned” if and only if the stockholder of that unit
29 owns or partially owns an interest in no more than one unit in the
30 cooperative.

31 (2) No more than 25 percent of the shares of the cooperative
32 were owned by any one person, as defined in Section 17, including
33 an incorporator or director of the cooperative, on January 1, 1981.

34 (3) A person renting a unit in a cooperative shall be entitled at
35 the time of conversion to all tenant rights in state or local law,
36 including, but not limited to, rights respecting first refusal, notice,
37 and displacement and relocation benefits.

38 (4) The local agency certifies that the above requirements were
39 satisfied if the local agency, by ordinance, provides for that
40 certification.



1 (5) Subject to compliance with subdivision (e) of Section 1351
2 of the Civil Code, all conveyances and other documents necessary
3 to effectuate the conversion shall be executed by the required
4 number of owners in the cooperative as specified in the bylaws or
5 other organizational documents. If the bylaws or other
6 organizational documents do not expressly specify the number of
7 owners necessary to execute the conveyances and other
8 documents, a majority of owners in the cooperative shall be
9 required to execute the conveyances or other documents.
10 Conveyances and other documents executed under the foregoing
11 provisions shall be binding upon and affect the interests of all
12 parties in the cooperative.

13 (i) The leasing of, or the granting of an easement to, a parcel *or*
14 *parcels* of land, or any portion or portions thereof, in conjunction
15 with the financing, erection, and sale or lease of a windpowered
16 electrical generation device on the land, if the project is subject to
17 discretionary action by the advisory agency or legislative body.

18 (j) The leasing or licensing of a portion of a parcel, or the
19 granting of an easement, use permit, or similar right on a portion
20 of a parcel, to a telephone corporation as defined in Section 234
21 of the Public Utilities Code, exclusively for the placement and
22 operation of cellular radio transmission facilities, including, but
23 not limited to, antennae support structures, microwave dishes,
24 structures to house cellular communications transmission
25 equipment, power sources, and other equipment incidental to the
26 transmission of cellular communications, if the project is subject
27 to discretionary action by the advisory agency or legislative body.

28 (k) Leases of agricultural land for agricultural purposes. As
29 used in this ~~subdivision~~ *section*, “agricultural purposes” means
30 the cultivation of food or fiber, or the grazing or pasturing of
31 livestock.

